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2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-8216

(202) 225-3951

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December 16, 2003

The Honorable Clark Kent Ervin
Acting Inspector General
Department of Homeland Security
Washington, D.C. 20528

The Honorable John D. Ashcroft
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Mr. Inspector General and Mr. Attorney General,

I am writing to request that the Inspector General's and Attorney General's office investigate your departments' rendition of Maher Arar to Syria in October of 2002. Recent reports indicate that the Immigration and Naturalization Service, the Central Intelligence Agency and the Attorney General arranged for Mr. Arar to be delivered into the hands of Syrian intelligence officials who are renowned for their use of torture against prisoners.

Mr. Arar is a citizen of both Syria and Canada, and has lived in the latter for the past 15 years. On September 26, 2002, the INS detained Mr. Arar while he was changing planes at John F. Kennedy airport. He was subsequently interrogated, and when he did not divulge any terror-related information, he was shipped to Syria. While then-acting Attorney General Larry D. Thompson could have returned Mr. Arar to his home in Canada, or in fact any other country that does not practice torture, Mr. Thompson chose to deport him to a country notorious for its abuse of human rights. Because Mr. Arar no longer has any ties to Syria, the only reason for doing so could have been the hope of extracting information through methods disallowed by the United States and international law.

Putting aside the moral and ethical bankruptcy of such an act, it violates international law. The United States is a party to the International Convention Against Torture which prohibits the removal of a person to another state "where there are substantial grounds for believing that he would be in danger of being subjected to torture."¹ It is unfathomable that we would accept assurances that Mr. Arar would not be tortured from a country the State Department has long recognized as using torture tactics such as electrical shocks, pulling out of fingernails, and forcing objects into the rectum.² With this information, one can only conclude that Syria was chosen precisely for the likelihood that torture would be employed.

I am sure that you both agree that intentionally rendering a human being to be tortured has no place in our anti-terror efforts. To that end, I ask that your respective agencies immediately investigate the circumstances around Mr. Arar's removal to ensure that such a rendition never happens again. Specifically, I would like your offices to explain:

1. What standard does the Attorney General's office use in determining that removal to the country of the detainee's designation is "prejudicial to the United States?"
2. Specifically, what about returning Mr. Arar to his home in Canada would have been prejudicial to the United States?
3. Even if there was reason to believe that Canada was not the proper country for removal, why was Syria chosen over some other country?
4. What reason did we have to believe that Syria would abandon its long standing tradition of torturing prisoners?
5. How often in the last two years has DHS and/or the DOJ rendered aliens to third countries? What standards and procedures have you set for doing so?

Thank you for your time and attention to this request. Because of this human rights implications of such rendition activities, I am sure your offices will give this matter your immediate attention. If you have any questions, please contact Perry Apfelbaum or Ted Kalo of the House Judiciary Committee staff at 202-225-6906.

Sincerely,


John Conyers, Jr.
Ranking Member

cc: F. James Sensenbrenner, Chairman

¹International Convention Against Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment, art. 3.

²Country Reports on Human Rights Practices, 2002, available at: <http://www.state.gov>.